

## HUMAN SERVICES BOARD

# INTRODUCTION

## FINDINGS OF FACT

1. The petitioner is a disabled individual and single parent of a school-age child. Both petitioner and her child receive Medicaid. In addition, the Department paid the premium for petitioner's Medicare Part B under a special Medicaid program.
2. In addition to receiving Social Security Income disability benefits, the petitioner works part-time.
3. During a review, the Department determined that the petitioner's countable income exceeded the program limits for the Department to continue paying petitioner's Medicare Part B premium and issued a notice terminating the Medicare buy-

in. Petitioner filed a timely notice of appeal and continued to receive benefits.

4. A fair hearing was held on August 23, 2007. The petitioner did not dispute the income figures used by the Department.

5. Petitioner has unearned income in the amount of \$864 per month from the Social Security Administration. The Department applied a \$20 disregard and a \$175 disregard for child care expenses leaving countable unearned income of \$669 per month. At the time of the review, petitioner's child was in childcare full-time and petitioner received the maximum deduction for child care expenses. At the time of the review, petitioner had earned income of \$790 per month. The Department deducted a \$65 earned income deduction and then halved the remainder leaving countable earned income of \$362.50 per month. In all, petitioner had countable monthly income of \$1,031.50 which is in excess of the monthly maximum of \$1,021.

6. At the hearing, the petitioner indicated that her current monthly income was lower because she missed one week of work but that her child care expenses were reduced because her child was returning to school. The record was kept open for petitioner to submit updated information to the

Department. A status conference was held on September 18, 2007. Petitioner was still over-income for the program.

7. The Department explained how earned and unearned income are calculated for the Medicare cost-sharing program. Petitioner was advised to reapply for the Medicare cost-sharing program if her situation changed.

ORDER

The Department's decision to terminate Medicare cost-sharing is affirmed.

REASONS

Under the Medicaid regulations, the Department can pay for an individual's Medicare Part B premium if certain criteria are met. M200.43. In particular, the individual's income cannot exceed 120 percent of the federal poverty level or \$1,021 per month. P-2420B(2).

The Department correctly calculated the petitioner's countable income during review of her case and found that petitioner's countable income exceeded the program maximum. Thus, the Department was correct in terminating payment for the Medicare premium. As a result, the Department's decision is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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